

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

COREY BATCHELOR,

Plaintiff,

v.

CITY OF CHICAGO; SEAN RICE as special representative for the estate of **ROBERT RICE**, deceased;
MICHAEL BOSCO; MARY NITSCHKE as special representative
For the estate of **LAWRENCE NITSCHKE**, deceased;
VICTORIA KEOUGH as special representative for the estate of **THOMAS KEOUGH; DANIEL McWEENY; FNU McGOVERN; JAMES McARDLE; ROBERT TOVAR; GEORGE WINISTORFER; ROBERT FLOOD; JOHN STOUT**; and as-yet **UNKNOWN OFFICERS OF THE CHICAGO POLICE DEPARTMENT**,

Defendants.

No. 18-cv-08513

**The Honorable John F. Kness
Magistrate Judge Heather K. McShain**

JOINT STATUS REPORT

Pursuant to the Court's Order [Dkt. 200], the Parties hereby submit the following Joint Status Report:

1. Parties' Positions on the Stay of Discovery.

The Parties agree to lift the stay of discovery on October 8, 2021, which follows the City's October 6 mediation conference regarding Kevin Bailey.

2. Status of Review of Polygraph Documents.

Plaintiff retained multiple contract attorneys and has completed an initial sorting and high-level review of City's polygraph document production. The documents must be analyzed and categorized for purposes of depositions and further *Monell* discovery, a process that Plaintiff's counsel estimates will take an additional 3-4 weeks.

3. Status of Oral Discovery.

The Parties will confer regarding the scheduling of Plaintiff's depositions of Defendants McArdle, Stout, and Tovar. Plaintiff plans to take the depositions of third-party witness, Assistant State's Attorney David Fischer and Scott Nelson, and a Rule 30(b)(6) deposition of the City of Chicago. The Parties will confer regarding these depositions.

Defendants have requested that Plaintiff confirm his list of Rule 404(b)/*Monell* witness disclosures. Plaintiff and Defendants have agreed to hold a Rule 37.2 conference regarding this request. At this time, Defendants cannot provide a final estimated number of Rule 404(b)/*Monell* depositions until they have conferred with Plaintiff's counsel.

4. Proposed Schedule for the Completion of Fact Discovery.

The Parties agree that all Parties will respond to currently outstanding written discovery requests by October 20, 2021.

Subject to Plaintiff's Rule 404(b)/*Monell* witness disclosures, Defendants anticipate completing all fact discovery by January 21, 2022, but request that the Court set a status date of October 19, 2021 to finalize this date as the close of fact discovery. Plaintiff believes that fact discovery should be completed within three months, inclusive of any depositions of 404(b) witnesses who were disclosed earlier in the litigation, particularly given the stay of discovery that delayed the proceedings by several months already.

Dated: September 22, 2021

Respectfully submitted,

CITY OF CHICAGO

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CERTIFICATE OF SERVICE

I, Kyle L. Flynn, an attorney, certify that I electronically filed the attached Joint Status Report with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record on this 22nd day of September 2021.

/s/ Kyle L. Flynn

Attorney for City of Chicago